

STATE LICENSING BOARD FOR CONTRACTORS

COMMERCIAL BOARD

MEETING MINUTES

December 20, 2018

The regular meeting of the Commercial Board was called to order by the Chairman, Lee Mallett, on Thursday, December 20, 2018 at 9:32 a.m. at 2525 Quail Drive, Baton Rouge, Louisiana.

Members of the Board present:

- Lee Mallett, Chairman
- William J. Clouatre, Vice-Chairman
- Lloyd “Chip” Badeaux
- N.R. “Noah” Broussard
- Nelson A. “Andy” Dupuy, Jr.
- Courtney Fenet
- August Gallo, Jr.
- Jaclyn S. Hotard
- Kenneth Jones
- Donald G. Lambert
- Garland Meredith
- Christopher N. Stuart
- Byron Talbot
- Elliott L. Temple

Members Danny R. Graham and Victor Weston were absent. Finding a quorum present, the regular order of business began.

Also attending the meeting were: Michael B. McDuff, Executive Director; Judy Dupuy, Board Administrator; Judge Darrell White, Retired, Hearing Officer; Kevin Landreneau, Board Attorney; and from the staff, Leann Evans, Carrie Morgan, Lowana Cola, Maranda Legaux, Monica Davis, Wendy Loup, Nikki Lopez-Crawford, Elaine Riggins, and John Dixon; Compliance Director, Brad Hassert; Compliance Investigators, Todd Brady, James Franklin, Jessie Wells, Scott Corley, Johnny Rogers, Steve Chiasson, Marianne Sullivan and Tarah Revette recording the minutes.

Mr. Talbot led the members and audience in the Pledge of Allegiance.

Judge Darrell White gave the invocation. Mr. Lambert asked for a moment of silence for the mother of Chairman Lee Mallett, Leola Benoit Mallet Deville. Judge White introduced himself, and advised those present of his duties.

Mr. Talbot made a motion to accept the Minutes of the **November 15, 2018**, regular meeting. Mr. Stuart seconded. The motion passed.

Mr. Hassert introduced guests Alex Reinboth with the Louisiana Attorney General’s office; John Walter, with the Associated Builders and Contractors of Louisiana; Detective Sergeant David Baldwin with the Ascension Parish Sheriff’s Office and Assistant District Attorney Phil Maples with the 23rd Judicial District Attorney’s Office.

NEW BUSINESS

Leann Evans and Brad Hassert with the Compliance Department for the Board were sworn in.

C. JUDGMENTS/QUALIFYING PARTY HEARINGS:

1. **SJS CONSTRUCTION, LLC**, Breaux Bridge, Louisiana – La. R.S. 37:2150-2192, La. R.S. 37:2158 (A)(8) and (A)(9), La. R.S. 37:2156.1(D)(1) and Section 115 of the Board’s Rules and Regulations

Ms. Evans gave a summary of the allegations. No one was present on behalf of SJS CONSTRUCTION, LLC. Attorney Wallace Heck was present on behalf of the creditor Heck

Industries, Inc. and was sworn in. Ms. Evans reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Landreneau questioned Mr. Heck. Mr. Gallo made a motion to give SJS CONSTRUCTION, LLC 30 days to pay the judgment or enter into/comply with the payment plan. If these terms are not satisfied within 30 days, the license will be automatically revoked by staff. If a payment plan is agreed upon, the Board further ordered that any deviation from or default of the payment plan will result in the license being automatically revoked by staff. Mr. Talbot seconded. The motion passed.

2. **TESLA ELECTRIC, LLC**, Lake Charles, Louisiana – La. R.S. 37:2150-2192, La. R.S. 37:2158(A)(8) and (A)(9), La. R.S. 37:2156.1(D)(1) and Section 115 of the Board’s Rules and Regulations

Ms. Evans gave a summary of the allegations. No one was present on behalf of TESLA ELECTRIC, LLC. Attorney Frank White was present on behalf of the creditor Graybar Electric Company, Inc. Ms. Evans reviewed the exhibit packet and provided testimony for the Board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. White provided a statement. Mr. Landreneau questioned Mr. White. Mr. Meredith made a motion to give TESLA ELECTRIC, LLC 30 days to pay the judgment or enter into/comply with the payment plan. If these terms are not satisfied within 30 days, the license will be automatically revoked by staff. If a payment plan is agreed upon, the Board further ordered that any deviation from or default of the payment plan will result in the license being automatically revoked by staff. Mr. Gallo seconded. The motion passed.

3. **ALL SERVICE ELECTRICAL, LLC**, Port Allen, Louisiana – La. R.S. 37:2150-2192, La. R.S. 37:2158(A)(8) and (A)(9), La. R.S. 37:2156.1(D)(1) and Section 115 of the Board’s Rules and Regulations

Ms. Evans gave a summary of the allegations. Jeremy Langlois was present on behalf of ALL SERVICE ELECTRICAL, LLC and was sworn in. Attorney Frank White was present on behalf of the creditor Graybar Electric Company, Inc. and provided a statement. Ms. Evans reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Landreneau questioned Mr. White. Mr. Landreneau questioned Mr. Langlois. Mr. Talbot made a motion to give ALL SERVICE ELECTRICAL, LLC 30 days to pay the judgment or enter into/comply with the payment plan. If these terms are not satisfied within 30 days, the license will be automatically revoked by staff. If a payment plan is agreed upon, the Board further ordered that any deviation from or default of the payment plan will result in the license being automatically revoked by staff. Mr. Gallo seconded. The motion passed.

4. **BLAYLOCK HTG. & AIR, INC.**, Rayville, Louisiana – La. R.S. 37:2150-2192, La. R.S. 37:2158(A)(8) and (A)(9), La. R.S. 37:2156.1(D)(1) and Section 115 of the Board’s Rules and Regulations

Ms. Evans gave a summary of the allegations. No one was present on behalf of BLAYLOCK HTG. & AIR, INC. Attorney Creighton Abadie was present on behalf of the creditor Coburn Supply Company, Inc. Ms. Evans reviewed the exhibit packet and provided testimony for the Board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Landreneau questioned Mr. Abadie. Mr. Stuart made a motion to give BLAYLOCK HTG. & AIR, INC. 30 days to pay the judgment or enter into/comply with the payment plan. If these terms are not satisfied within 30 days, the license will be automatically revoked by staff. If a payment plan is agreed upon, the Board further ordered that any deviation from or default of the payment plan will result in the license being automatically revoked by staff. Mr. Gallo seconded. The motion passed.

D. COMPLIANCE HEARINGS:

1. a) **LIMON CONSTRUCTION L.L.C.**, Prairieville, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Jesus Limon was present on behalf of LIMON CONSTRUCTION L.L.C. and was sworn in. Mr. Limon entered a no contest plea. Mr. Jones made a motion to accept the plea. Mr. Meredith seconded. The motion passed. Mr. Limon gave a statement to the board. Mr. Badeaux made a motion to assess a \$10,000 fine plus \$500 in administrative costs. Mr. Jones seconded. After discussion, the motion was called to a vote and the motion did not pass. Mr. Stuart made a motion to assess a \$10,000 fine plus \$500 in

administrative costs, to issue a cease and desist order and to allow the fine to be reduced by the board to \$2,000 plus \$500 in administrative costs if the company obtains a proper license within 120 days. Mr. Lambert seconded. Mr. Badeaux and Mr. Broussard opposed the motion. The motion passed.

- b) **WAXAHACHIE GLASS CORPORATION**, Waxahachie, Texas – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by WAXAHACHIE GLASS CORPORATION. Mr. Talbot made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Stuart seconded. The motion passed.

2. a) **RED HAWK FIRE & SECURITY, LLC**, New Orleans, Louisiana – La. R.S. 37:260(A)(1)
b) **THOMAS JEFFREY D/B/A JEFFREY CONSTRUCTION**, Houma, Louisiana – La. R.S. 37:2160(A)(1)
c) **LIFT CONSTRUCTION, L.L.C.**, Bossier City, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offers presented by RED HAWK FIRE & SECURITY, LLC, THOMAS JEFFREY D/B/A JEFFREY CONSTRUCTION and LIFT CONSTRUCTION, L.L.C. Mr. Stuart made a motion to accept the settlement offers as presented, which included no contest pleas. Mr. Lambert seconded. The motion passed.

3. Matters 3a through 3d were consolidated.

- a) **4FRONT ENGINEERED SOLUTIONS, INC.**, Carrollton, Texas – La. R.S. 37:2160(A)(1)
b) **CRESCENT CITY FACILITIES MAINTENANCE LLC**, Covington, Louisiana – La. R.S. 37:2160(A)(1)
c) **ARCO NATIONAL CONSTRUCTION COMPANY, INC.**, St. Louis, Missouri – La. R.S. 37:2158(A)(4)
d) **DURASERV CORP.**, Farmers Branch, Texas – La. R.S. 37:2158(A)(4); 2158(A)(3) and Rules and Regulations of the Board Section 109(A)

Ms. Evans gave a summary of the allegations. Jason Matherne was present on behalf of CRESCENT CITY FACILITIES MAINTENANCE LLC and was sworn in. No one was present on behalf of 4FRONT ENGINEERED SOLUTIONS, INC. Ms. Evans read the settlement offers presented by ARCO NATIONAL CONSTRUCTION COMPANY, INC. and DURASERV CORP. Mr. Matherne entered a no contest plea. Mr. Lambert made a motion to accept the plea. Mr. Temple seconded. The motion passed. Mr. Matherne provided a statement. The Board and Mr. Landreneau questioned Mr. Matherne. Mr. Badeaux made a motion to assess a \$2,000 fine plus \$500 in administrative costs. Mr. Broussard seconded. Mr. Fenet amended the motion to assess a \$2,000 fine plus \$500 in administrative costs, to issue a cease and desist order and to allow the fine to be reduced by the board to \$1,000 plus \$500 in administrative costs, if the company obtains a proper license within 120 days. Mr. Temple seconded. The motion passed. Investigator Jessie Wells was called to the stand and was sworn in. Mr. Wells reviewed the exhibit packet for 4FRONT ENGINEERED SOLUTIONS, INC. and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Landreneau questioned Mr. Wells. Mr. Jones made a motion to find 4FRONT ENGINEERED SOLUTIONS, INC. to be in violation. Mr. Gallo seconded. The motion passed. Mr. Jones then made a motion to assess the maximum fine plus \$500 in administrative costs and to issue a cease and desist order. Mr. Stuart seconded. The motion passed. Mr. Meredith made a motion to accept the settlement offer as presented by ARCO NATIONAL CONSTRUCTION COMPANY, INC., which included a no contest plea. Mr. Stuart seconded. The motion passed. Mr. Stuart made a motion to accept the settlement offer as presented by DURASERV CORP., which included a no contest plea. Mr. Jones seconded. The motion passed.

4. **MAGNOLIA BUILDERS, LLC**, New Orleans, Louisiana – La. R.S. 37:2158(A)(4)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by MAGNOLIA BUILDERS, LLC. Mr. Gallo made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Stuart seconded. The motion passed.

5. **JOSHUA CLINT METHVIN**, Natchitoches, Louisiana – La. R.S. 37:2160(A)(1), 3 counts

Ms. Evans gave a summary of the allegations. No one was present on behalf of JOSHUA CLINT METHVIN. Investigator Scott Corley was called to the stand and sworn in. Mr. Corley reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Landreneau made a correction to the exhibit packet and removed exhibit #4. Mr. Gallo made a motion to find JOSHUA CLINT METHVIN to be in violation. Mr. Jones seconded. The motion passed. Mr. Talbot made a motion to assess the maximum fine plus \$500 administrative costs and to issue a cease and desist order. Mr. Jones seconded. The motion passed.

6. **BISSO CONSTRUCTION SERVICES, LLC**, Tomball, Texas – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by BISSO CONSTRUCTION SERVICES, LLC. Mr. Lambert made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Stuart seconded. The motion passed.

7. **JOHN EDWIN MOSS**, St. Francisville, Louisiana – La. R.S. 37:2158(A)(4), 3 counts

Ms. Evans gave a summary of the allegations and read the settlement offer presented by JOHN EDWIN MOSS. Mr. Stuart made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Lambert seconded. The motion passed.

8. **RUSS SMITH**, Oakland, Mississippi – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. No one was present on behalf of RUSS SMITH. Investigator Jessie Wells, previously sworn, was called to the stand. Mr. Wells reviewed the exhibit packet and provided testimony for the board. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Wells was questioned by Mr. Landreneau. Mr. Jones made a motion to find RUSS SMITH to be in violation. Mr. Meredith seconded. The motion passed. Mr. Talbot made a motion to assess the maximum fine plus \$500 administrative costs and to issue a cease and desist order. Mr. Meredith seconded. The motion passed.

9. **RF CONSTRUCTION, LLC**, Baton Rouge, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations. Caronda Ford was present on behalf of RF CONSTRUCTION, LLC. and was sworn in. Ms. Ford entered a no contest plea. Mr. Temple made a motion to accept. Mr. Jones seconded. The motion passed. Ms. Ford gave a statement to the board. The board questioned Ms. Ford. Mr. Stuart made a motion to assess a \$500 fine plus \$500 in administrative costs. Mr. Jones seconded. The motion passed.

E. STATUTORY CITATIONS:

Ms. Evans presented the statutory citations. Mr. Jones made a motion to accept the statutory citations as presented. Mr. Talbot seconded. The motion passed.

F. JUDGMENT CONTINUANCE:

1. **PC WORKSTATION LLC**, Denham Springs, Louisiana – La. R.S. 37:2150-2192, La. R.S. 37:2158(A)(8) and (A)(9), La. R.S. 37:2156.1(D)(1) and Section 115 of the Board's Rules and Regulations

Ms. Evans gave a summary of the allegations. Bobby Walls was present on behalf of PC WORKSTATION LLC and was sworn in. Attorney Frank White was present on behalf of the creditor Graybar Electric Company, Inc. Ms. Evans reviewed the exhibit packet. Mr. Landreneau

entered the exhibit packet into evidence and it was admitted. Mr. Walls and Mr. White provided evidence which was admitted. Mr. Landreneau questioned Mr. Walls. Mr. White provided testimony. Mr. Gallo made a motion to give PC WORKSTATION LLC 30 days to pay the judgment or enter into/comply with the payment plan. If these terms are not satisfied within 30 days, the license will be automatically revoked by staff. If a payment plan is agreed upon, the Board further ordered that any deviation from or default of the payment plan will result in the license being automatically revoked by staff. Mr. Meredith seconded. The motion passed.

G. CONTINUANCES:

1. KENNETH MATTHEWS D/B/A MATTHEWS CONSTRUCTION, LLC, LaPlace, Louisiana – La. R.S. 37:2160(A)(1)

Ms. Evans gave a summary of the allegations and read the settlement offer presented by KENNETH MATTHEWS D/B/A MATTHEWS CONSTRUCTION, LLC. Mr. Gallo made a motion to accept the settlement offer as presented, which included a no contest plea. Mr. Temple seconded. The motion passed.

2. MATTHEW J. MORRIS/COMPLETE CONSTRUCTION CONTRACTORS, L.L.C., Baton Rouge, Louisiana – La. R.S. 37:2158(A)(2) and 2158(A)(9)

Matthew Morris and Attorneys Robert Aguiluz and Al Robert were present on behalf of MATTHEW J. MORRIS/COMPLETE CONSTRUCTION CONTRACTORS, L.L.C. Mr. Aguiluz made motions to compel responses to discovery and a motion to dismiss the matter regarding La. R.S. 37:2158(A)(2) and 2158(A)(9). Mr. Aguiluz addressed the board. Mr. Landreneau questioned Mr. Aguiluz regarding the motion to compel responses to discovery and the motion to dismiss the matter. Mr. Aguiluz provided a response to the judge and the board. Mr. Landreneau addressed the board and the judge with additional information. The board questioned Mr. Landreneau. Judge White addressed the board. Mr. Morris' attorneys stated their client did not want a continuance on the matter. The board questioned Mr. Landreneau. Mr. Fenet made a motion to continue the matter at a later date. Mr. Lambert seconded. Mr. Landreneau addressed the board. Mr. Aguiluz stated his client withdrew his motion to compel responses to discovery. The board questioned Mr. Aguiluz regarding the withdrawal of the motion to dismiss. Mr. Aguiluz stated Mr. Morris waived asking the board to provide more documents. Mr. Aguiluz stated Mr. Morris wanted the case to be heard during the December 20, 2018, board meeting based on merits of evidence already provided by the board. Mr. Landreneau addressed the board regarding both motions previously made by Mr. Aguiluz. Mr. Aguiluz stated the verbal withdrawal of the first motion constitutes a waiver of any motion previously made by Mr. Morris regarding the documents Mr. Morris asked the board to provide. Judge White addressed the board. Mr. Aguiluz withdrew the motion to dismiss. Mr. Fenet withdrew his motion for a continuance. Mr. Jones made a motion to continue with the hearing. Mr. Meredith seconded the motion. Ms. Hotard, Mr. Meredith, Mr. Jones and Mr. Meredith addressed the board regarding Mr. Fenet's motion. Mr. Aguiluz responded to the board's statements. Mr. Landreneau responded to Mr. Aguiluz's statements. Ms. Hotard made a substitute motion to proceed with the matter. Mr. Lambert seconded. The motion passed. The meeting was recessed at 11:17 a.m. The meeting was called to order at 11:30 a.m. Roll was called and a quorum was present. Ms. Evans read a summary of the allegations. Matthew Morris was sworn in. Mr. Aguiluz entered a denial plea. Investigator Todd Brady was called to the stand and sworn in. Mr. Brady reviewed the exhibit packet. Mr. Landreneau entered the exhibit packet into evidence and it was admitted. Mr. Landreneau questioned Mr. Brady regarding the exhibit packet. Mr. Dupuy arrived to the board meeting at 11:55 a.m. Mr. Aguiluz cross-examined Mr. Brady. During cross examination, Mr. Aguiluz entered a document into evidence and it was admitted. Mr. Aguiluz also entered a second document into evidence. It was admitted with objection from Mr. Landreneau. The meeting was recessed at 1:07 p.m. The meeting was called to order at 1:20. Roll was called and a quorum was present. Mr. Aguiluz continued his cross-examination of Mr. Brady. Mr. Landreneau asked follow-up questions of Mr. Brady. Mr. Landreneau entered a document into evidence and it was admitted. Mr. Hassert, previously sworn, was called to the stand. Mr. Landreneau questioned Mr. Hassert. Mr. Aguiluz cross-examined Mr. Hassert. Mr. Aguiluz called Matthew Morris, previously sworn, to the stand. Mr. Aguiluz questioned Mr. Morris. Mr. Badeaux addressed the board. Mr. Badeaux recused himself from this matter. Mr. Aguiluz continued to question Mr. Morris. The board questioned Mr. Morris. Mr. Aguiluz further questioned Mr. Morris. Mr. Landreneau cross-examined Mr. Morris. Mr. Robert addressed the board. Mr. Landreneau continued to question Mr.

Morris. The Board questioned Mr. Morris. Mr. Aguiluz presented a Memorandum to the board. Mr. Landreneau objected to the Memorandum. Mr. Meredith and Mr. Jones made a motion to continue this matter. During discussion Mr. Aguiluz gave a summary of the Memorandum. The board addressed Mr. Aguiluz regarding the addition of the Memorandum. Mr. Landreneau gave closing arguments. Mr. Aguiluz gave closing arguments. Mr. Meredith withdrew his previous continuance motion. Ms. Hotard made a motion to revoke MATTHEW MORRIS/COMPLETE CONSTRUCTION CONTRACTORS, L.L.C.'s commercial, residential and mold licenses as well as the qualifying party status of Matthew Morris. Mr. Lambert seconded the motion. The motion passed.

OLD BUSINESS

H. REPORTS:

1. Staff Reports –Ms. Dupuy stated the report will be given at a later time.
2. Building Report – There was no new report.
3. Classification and Testing Report – Mr. Gallo stated that the report will be given at a later time.
4. Legislative/Rules and Regulations Report – Mr. Fenet stated the new board rules are finalized in the state register.
5. Finance Report – Mr. Dupuy made a motion to accept the November financial statement as presented. Mr. Gallo seconded. The motion passed. Mr. Dupuy made a motion to accept the Proposed 2019 Louisiana State Licensing Board for Contractors Operating Budget as presented. Mr. Meredith seconded. The motion passed.
6. Residential Building Report – Mr. Jones gave the report at a later time.

- I. Consideration of additional classifications for residential licenses, residential applications, home improvement registrations and actions of the **December 19, 2018**, Residential Building Subcommittee. (Pages 5-10)

Mr. Jones made a motion to approve the residential applications as listed on the agenda, and Mr. Meredith seconded. The motion passed.

Mr. Jones made a motion to approve the home improvement applications as listed on the agenda, and Mr. Meredith seconded. The motion passed.

Mr. Jones made a motion to approve and ratify the actions taken at the December 19, 2018, Residential Building Subcommittee meeting and Mr. Stuart seconded. The motion passed.

- J. Consideration of reciprocity and exemption requests as listed and attached to the agenda. (Pages 11-12)

Mr. Dupuy made a motion to approve the exemptions based on Reciprocity as listed on the agenda. Mr. Jones seconded. The motion passed.

Mr. Dupuy made a motion to approve the Exemptions as listed on the agenda with the exception of ACKEL CONSTRUCTION COMPANY, LLC and FED ENVIRONMENTAL, LLC which were denied. Mr. Cloutre seconded. The motion passed.

- K. Consideration of mold remediation application as listed and attached to the agenda. (Page 13)

Mr. Lambert made a motion to approve the mold remediation application as listed on the agenda, and Mr. Cloutre seconded. The motion passed.

- L. Consideration of additional classifications as listed and attached to the agenda. (Pages 14-17)

Mr. Lambert made a motion to approve the additional classifications as listed on the agenda, and Mr. Cloutre seconded. The motion passed.

- M. Consideration of commercial applications as listed and attached to the agenda. (Pages 18-25)

Mr. Lambert made a motion to approve the commercial applications as listed on the agenda. Mr. Dupuy seconded. The motion passed.

ADJOURNMENT

Mr. Fenet made a motion to adjourn at 3:20 p.m., and Mr. Dupuy seconded. The motion passed.

Lee Mallett, Chairman

Byron E. Talbot, Secretary